

2323. Forfeiture, destruction, and restitution.

AMENDMENTS

2008—Pub. L. 110-403, title II, §206(b), Oct. 13, 2008, 122 Stat. 4263, added item 2323.

2005—Pub. L. 109-9, title I, §102(b), Apr. 27, 2005, 119 Stat. 220, added item 2319B.

2004—Pub. L. 108-482, title I, §102(c), Dec. 23, 2004, 118 Stat. 3915, substituted “Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging” for “Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging” in item 2318.

1996—Pub. L. 104-153, §4(b)(2), July 2, 1996, 110 Stat. 1387, substituted “Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging” for “Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works” in item 2318.

1994—Pub. L. 103-465, title V, §513(b), Dec. 8, 1994, 108 Stat. 4976, added item 2319A.

1992—Pub. L. 102-519, title I, §105(b), Oct. 25, 1992, 106 Stat. 3386, added item 2322.

1986—Pub. L. 99-646, §42(b), Nov. 10, 1986, 100 Stat. 3601, renumbered item 2320 relating to trafficking in certain motor vehicles or motor vehicle parts as item 2321.

1984—Pub. L. 98-547, title II, §204(b), Oct. 25, 1984, 98 Stat. 2770, added item 2320 relating to trafficking in certain motor vehicles or motor vehicle parts.

Pub. L. 98-473, title II, §§1115, 1502(b), Oct. 12, 1984, 98 Stat. 2149, 2179, substituted “livestock” for “cattle” in items 2316 and 2317 and added item 2320 relating to trafficking in counterfeit goods or services.

1982—Pub. L. 97-180, §4, May 24, 1982, 96 Stat. 92, substituted “Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works” for “Transportation, sale, or receipt of phonograph records bearing forged or counterfeit labels” in item 2318 and added item 2319.

1962—Pub. L. 87-773, §2, Oct. 9, 1962, 76 Stat. 775, added item 2318.

1961—Pub. L. 87-371, §4, Oct. 4, 1961, 75 Stat. 802, inserted “fraudulent State tax stamps,” in item 2314, and substituted “moneys, or fraudulent State tax stamps” for “or monies” in item 2315.

§ 2311. Definitions

As used in this chapter:

“Aircraft” means any contrivance now known or hereafter invented, used, or designed for navigation of or for flight in the air;

“Cattle” means one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses thereof;

“Livestock” means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof;

“Money” means the legal tender of the United States or of any foreign country, or any counterfeit thereof;

“Motor vehicle” includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails;

“Securities” includes any note, stock certificate, bond, debenture, check, draft, warrant, traveler’s check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of in-

debtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate; valid or blank motor vehicle title; certificate of interest in property, tangible or intangible; instrument or document or writing evidencing ownership of goods, wares, and merchandise, or transferring or assigning any right, title, or interest in or to goods, wares, and merchandise; or, in general, any instrument commonly known as a “security”, or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant, or right to subscribe to or purchase any of the foregoing, or any forged, counterfeited, or spurious representation of any of the foregoing;

“Tax stamp” includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a State, or evidence of the discharge thereof;

“Value” means the face, par, or market value, whichever is the greatest, and the aggregate value of all goods, wares, and merchandise, securities, and money referred to in a single indictment shall constitute the value thereof.

“Vessel” means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

(June 25, 1948, ch. 645, 62 Stat. 805; Pub. L. 87-371, §1, Oct. 4, 1961, 75 Stat. 802; Pub. L. 98-547, title II, §202, Oct. 25, 1984, 98 Stat. 2770; Pub. L. 103-322, title XXXII, §320912, Sept. 13, 1994, 108 Stat. 2128; Pub. L. 104-294, title VI, §604(b)(20), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 107-273, div. B, title IV, §4002(b)(8), Nov. 2, 2002, 116 Stat. 1808; Pub. L. 109-177, title III, §307(b)(1), Mar. 9, 2006, 120 Stat. 240.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§408, 414(b), (c), 417, 419a(a) (Oct. 29, 1919, ch. 89, §2(a), 41 Stat. 324; May 22, 1934, ch. 333, §§2(b), (c), 5, 48 Stat. 794, 795; Aug. 3, 1939, ch. 413, §3, 53 Stat. 1178; Aug. 18, 1941, ch. 366, §2(a), 55 Stat. 631; Sept. 24, 1945, ch. 383, §1, 59 Stat. 536).

The definitive provisions in each of said sections were separated therefrom and consolidated into this one section defining terms used in this chapter.

The definitions of “interstate or foreign commerce”, contained in said section 408 and in sections 414(a) and 419a(b) of title 18, U.S.C., 1940 ed., are incorporated in section 10 of this title.

Other provisions of section 408 of title 18, U.S.C., 1940 ed., are incorporated in sections 2312 and 2313 of this title.

In the definition of “motor vehicle”, words “designed for running on land but not on rails” were substituted for “not designed for running on rails” so as to conform with the ruling in the case of *McBoyle v. U.S.* (1931, 51 S. Ct. 340, 283, U. S. 25, 75 L. Ed. 816), in which the Supreme Court held that “vehicle” is limited to vehicles running on land and that motor vehicle does not include an airplane.

In the paragraph defining “value” which came from said section 417 of title 18, U.S.C., 1940 ed., words “In the event that a defendant is charged in the same indictment with two or more violations of sections 413-419 of this title, then” were omitted and the same meaning was preserved by the substitution of the words “a single” for the word “such.”

Minor changes were made in phraseology.

AMENDMENTS

2006—Pub. L. 109-177 inserted definition of “Vessel”.

2002—Pub. L. 107-273 substituted semicolon for period at end of third par.

1996—Pub. L. 104-294 substituted “Livestock” for “livestock” in third par.

1994—Pub. L. 103-322 inserted definition of “livestock”.

1984—Pub. L. 98-547 inserted “valid or blank motor vehicle title;” in definition of “Securities”.

1961—Pub. L. 87-371 inserted definition of “Tax stamp”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-482, title I, §101, Dec. 23, 2004, 118 Stat. 3912, provided that: “This title [amending section 2318 of this title and enacting provisions set out as a note under section 2318 of this title] may be cited as the ‘Anti-counterfeiting Amendments Act of 2004.’”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-147, §1, Dec. 16, 1997, 111 Stat. 2678, provided that: “This Act [amending sections 2319 to 2320 of this title, sections 101, 506, and 507 of Title 17, Copyrights, and section 1498 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as a note under section 994 of Title 28] may be cited as the ‘No Electronic Theft (NET) Act.’”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-153, §1, July 2, 1996, 110 Stat. 1386, provided that: “This Act [amending sections 1961, 2318, and 2320 of this title, sections 1116 and 1117 of Title 15, Commerce and Trade, section 603 of Title 17, Copyrights, sections 1431, 1484, and 1526 of Title 19, Customs Duties, and section 80302 of Title 49, Transportation, and enacting provisions set out as notes under this section and section 1431 of Title 19] may be cited as the ‘Anti-counterfeiting Consumer Protection Act of 1996.’”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-519, §1, Oct. 25, 1992, 106 Stat. 3384, provided that: “This Act [enacting sections 2119 and 2322 of this title, sections 2026a to 2026c and 2041 to 2044 of Title 15, Commerce and Trade, sections 1646b and 1646c of Title 19, Customs Duties, and sections 3750a to 3750d of Title 42, The Public Health and Welfare, amending sections 553, 981, 982, 2312, and 2313 of this title, sections 2021 to 2023, 2025, 2027, and 2034 of Title 15, and enacting provisions set out as notes under section 2119 of this title, sections 2026a, 2026b, and 2041 of Title 15, and section 1646b of Title 19] may be cited as the ‘Anti Car Theft Act of 1992.’”

SHORT TITLE OF 1984 AMENDMENTS

Pub. L. 98-547, §1(a), Oct. 25, 1984, 98 Stat. 2754, provided that: “This Act [enacting sections 511, 512, 553, and 2320 [now 2321] of this title, sections 2021 to 2034 of Title 15, Commerce and Trade, and section 1627 of Title 19, Customs Duties, amending this section, sections 1961 and 2313 of this title, and section 1901 of Title 15, and enacting provisions set out as a note under section 2021 of Title 15] may be cited as the ‘Motor Vehicle Theft Law Enforcement Act of 1984.’”

Pub. L. 98-473, title II, §1501, Oct. 12, 1984, 98 Stat. 2178, provided that: “This chapter [chapter XV (§§1501-1503) of title II of Pub. L. 98-473, enacting section 2320 of this title and amending sections 1116, 1117, and 1118 of Title 15, Commerce and Trade] may be cited as the ‘Trademark Counterfeiting Act of 1984.’”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-180, §1, May 24, 1982, 96 Stat. 91, provided: “That this Act [enacting section 2319 of this title and amending section 2318 of this title and section 506 of

Title 17, Copyrights] may be cited as the ‘Piracy and Counterfeiting Amendments Act of 1982.’”

COUNTERFEITING OF TRADEMARKED AND COPYRIGHTED MERCHANDISE; CONGRESSIONAL STATEMENT OF FINDINGS

Pub. L. 104-153, §2, July 2, 1996, 110 Stat. 1386, provided that: “The counterfeiting of trademarked and copyrighted merchandise—

“(1) has been connected with organized crime;

“(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

“(3) poses health and safety threats to United States consumers;

“(4) eliminates United States jobs; and

“(5) is a multibillion-dollar drain on the United States economy.”

CONGRESSIONAL DECLARATION OF PURPOSE OF 1984 AMENDMENT

Pub. L. 98-547, §2, Oct. 25, 1984, 98 Stat. 2754, provided that: “It is the purpose of this Act [see Short Title of 1984 Amendments note above]—

“(1) to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft;

“(2) to augment the Federal criminal penalties imposed upon persons trafficking in stolen motor vehicles;

“(3) to encourage decreases in premiums charged consumers for motor vehicle theft insurance; and

“(4) to reduce opportunities for exporting or importing stolen motor vehicles and off-highway mobile equipment.”

§ 2312. Transportation of stolen vehicles

Whoever transports in interstate or foreign commerce a motor vehicle, vessel, or aircraft, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 806; Pub. L. 102-519, title I, §103, Oct. 25, 1992, 106 Stat. 3385; Pub. L. 109-177, title III, §307(b)(2)(A), Mar. 9, 2006, 120 Stat. 240.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §408 (Oct. 29, 1919, ch. 89, §§1, 3, 5, 41 Stat. 324, 325; Sept. 24, 1945, ch. 383, §§2, 3, 59 Stat. 536).

The first sentence of said section 408, providing the short title “An Act to punish the transportation of stolen motor vehicles or aircraft in interstate or foreign commerce,” and derived from section 1 of said act of October 29, 1919, as amended, was omitted as not appropriate in a revision.

Definitions of “aircraft,” “motor vehicle,” and “interstate or foreign commerce,” which constituted the second sentence of said section 408 of title 18, U.S.C., 1940 ed., and were derived from section 2 of said act of October 29, 1919, as amended, are incorporated in sections 10 and 2311 of this title.

Provision relating to receiving or selling stolen aircraft or motor vehicles, which was derived from section 4 of the act of October 29, 1919, as amended, is incorporated in section 2313 of this title.

Venue provision, which was derived from section 5 of the act of October 29, 1919, was omitted as unnecessary, being covered by section 3237 of this title.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Minor changes were made in phraseology.

AMENDMENTS

2006—Pub. L. 109-177 substituted “motor vehicle, vessel, or aircraft” for “motor vehicle or aircraft”.